

March 28, 2014

Appropriations & Human Services Committees Public Hearing

1915(C) HOME AND COMMUNITY-BASED SERVICES WAIVER, CT ACQUIRED BRAIN INJURY WAIVER II APPLICATION

Julie Peters, Executive Director

Brain Injury Alliance of Connecticut

I am Julie Peters and I am the Executive Director of the Brain Injury Alliance of Connecticut. For over 30 years, BIAC has served individuals with brain injuries, their families and caregivers, working to assure that services are available to those who sustain a brain injury and educating the public about prevention which remains the only cure for a brain injury. BIAC has a long history of advocating for individuals to receive appropriate services in the community. Over 20 years ago, BIAC filed a Class Action lawsuit against the State of Connecticut out of which The ABI Medicaid Waiver was born. We have come back before you **many times** over the years advocating for its expansion and improvement. BIAC is also contracted by the Department of Social Services as an **independent advocate** for individuals wishing to access the Waiver.

According to DSS, there are currently 49 people on a Waiting list for ABI Waiver I, some waiting for up to four years to receive services in the community. This is entirely unacceptable. Ever since the Olmstead Act was passed in 1999, the State of Connecticut has recognized that individuals with disabilities have a right to live in their own homes with appropriate services. We also know that Connecticut's long-term care facilities are unable to appropriately serve individuals with brain injury.

It is based on these facts that **BIAC supports the application for ABI Waiver II with some significant reservations. Equally important: It is NOW time for the legislature to increase funding for the ABI Medicaid Waiver program so that we can finally eliminate the waiting list and all those eligible can receive services.**

BIAC opposes the plan to reserve 50 of the 63 slots in the first year of the Waiver to DMHAS clients. BIAC believes that all those who have been waiting for services under the current waiver should be treated equally, whether or not it saves the State money.

The concern we have with this application is that it does little to resolve the multitude of problems which have remained issues with the current Waiver for many years. The application contains many assurances. However, we know that as in Waiver I, few of these promises are kept.

BIAC's concerns include:

- **The lack of specific public input process as it relates to providing input when amending or creating the Waiver.** Simply posting a notice in a law journal, or depending on any organization, including BIAC, to inform the public is entirely insufficient.
- **The lack of specific structure and mechanism for providing, monitoring and improving training on a regular basis.** Throughout the new application, DSS has increased brain injury training for most providers. However, with no specifics of what the training will include and who will pay for it, we fear it will be another in the long line of promises that DSS has failed to keep.
- **The lack of a measurable process to ensure accountability and quality assurance by DSS, its fiduciary intermediary, and all Service Providers.**
- **BIAC is concerned that the rate structure proposed will likely increase the financial burden on providers.** If this happens, new Waiver participants may be added, but there will be no competent, qualified providers willing to serve them.
- **Criminal background investigations have not been expanded to include all providers who work individually with survivors.** Currently only those working in the home are subject to criminal background checks. However, cognitive behaviorists, independent living skills trainers, and case managers all spend a great deal of time with clients. Criminal background investigations for ALL those who work individually with survivors should be mandated.

You will hear from many people today about why they do not support this application. We share many of those concerns. Our hope is that this body will carefully review the input that has been provided and include specific, tangible language in the application related to all these concerns before approving its submission to the Centers for Medicaid Services.

Everyone deserves the right to live in their own home with appropriate support. We know that if ABI Waiver II is enacted, many still will not reach that goal, and that remains a great concern to us. However, for those waiting four years and counting, this will be good news.

Please see attached Position Statement for BIAC's complete position.